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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**ROBERT MCCARTHY,**

**Plaintiff,**

**v.**

**HENRY J CAVIGLI JR;  
SHARI'S MANAGEMENT  
CORPORATION; AND DOES 1  
THROUGH 10, Inclusive**

**Defendants.**

**Case No.:**

**COMPLAINT**

**DISCRIMINATORY  
PRACTICES IN PUBLIC  
ACCOMMODATIONS**

**[42 U.S. C. §12182(a) ET. SEQ;  
CA CIVIL CODE 51, 52, 54, 54.1,  
54.3]**

**DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1. Plaintiff ROBERT MCCARTHY herein complains, by filing this Civil Complaint in accordance with rules of Civil Procedure within this court that Defendants have in the past, and presently are, engaging in discriminatory practices against individuals with disabilities. Therefore, Plaintiff makes the following allegations in this civil rights action:

2. The property that is the subject of this action is located in Sonoma County.

1 3. The federal jurisdiction of this action is based on 42 U.S.C. 12101 Et. seq.  
2 Venue in the Judicial District of the United States District Court of the Northern  
3 District of California is in accordance with 28 U.S.C. § 1391(b) because a substantial  
4 part of Plaintiff's claims arose within the Judicial District of the United States  
5 District Court of the Northern District of California.  
6

### 7 **SUPPLEMENTAL JURISDICTION**

8 4. The Judicial District of the United States District Court of the Northern  
9 District of California has supplemental jurisdiction over the state claims as alleged in  
10 this Complaint pursuant to 28 U.S.C. § 1367(a). The reason supplemental  
11 jurisdiction is proper in this action is because all the causes of action or claims  
12 derived from federal law and those arising under state law, as herein alleged, arose  
13 from common nucleus of operative facts. The common nucleus of operative facts,  
14 include, but are not limited to, the incidents where Plaintiff was denied full and equal  
15 access to Defendants' goods, and/or services in violation of both federal and state  
16 laws when he attempted to enter, use, and/or exit Defendants' services as described  
17 within paragraphs 9 through 17 of this Complaint. Further, due to this denial of full  
18 and equal access, Plaintiff and other individuals with disabilities were injured.  
19 Based upon said allegations, the California causes of actions, as stated herein, are so  
20 related to the Federal claims that they form part of the same case or controversy, and  
21 the actions would ordinarily be expected to be tried in one judicial proceeding.  
22

### 23 **NAMED DEFENDANTS AND NAMED PLAINTIFF**

24 5. Defendants are, and, at all times mentioned herein, were, a business or  
25 corporation or franchise organized and existing and/or doing business under the laws  
26 of the State of California. Plaintiff is informed and believes and thereon alleges  
27 that Defendant SHARI'S MANAGEMENT CORPORATION is the operator of the  
28

1 business known as Shari's Restaurant & Pies located at 301 Rohnert Park Expy,  
2 Rohnert Park, CA 94928. Plaintiff is informed and believes and thereon alleges that  
3 Defendant HENRY J CAVIGLI JR is the owner, operator, and/or lessor of the real  
4 property located at 301 Rohnert Park Expy, Rohnert Park, CA 94928.

5 6. The words Plaintiffs and Plaintiff as used herein specifically include ROBERT  
6 MCCARTHY.

7 7. Defendants Does 1 through 10, were at all times relevant herein subsidiaries,  
8 employers, employees, and/or agents of HENRY J CAVIGLI JR; SHARI'S  
9 MANAGEMENT CORPORATION. Plaintiff is ignorant of the true names and  
10 capacities of Defendants sued herein as Does 1 through 10, inclusive, and therefore  
11 sues these Defendants by such fictitious names. Plaintiff will pray leave of the court  
12 to amend this complaint to allege the true names and capacities of the Does when  
13 ascertained.

14 8. Plaintiff is informed and believes and thereon alleges, that Defendants and  
15 each of them herein were, at all times relevant to the action, the owner, lessor, lessee,  
16 franchiser, franchisee, general partner, limited partner, agent, employee, representing  
17 partner, or joint venturer of the remaining Defendants and were acting within the  
18 course and scope of that relationship. Plaintiff is further informed and believes, and  
19 thereon alleges, that each of the Defendants herein gave consent to, ratified, and/or  
20 authorized the acts alleged herein to each of the remaining Defendants.

21  
22 **CONCISE SET OF FACTS**

23 9. Plaintiff ROBERT MCCARTHY ("MCCARTHY") has physical impairments  
24 and due to these impairments he has learned to successfully operate a wheelchair for  
25 mobility. Plaintiff McCarthy is a post-polio person since he was approximately three  
26 years old. Plaintiff MCCARTHY said physical impairments substantially limit one  
27 or more of the following major life activities including but not limited to: walking.

1 Plaintiff MCCARTHY is unable to walk any distance. Plaintiff McCarthy also  
2 suffers limited range of motion in his upper body and arms as a result of his polio  
3 symptoms; and is also limited in his ability to tightly grasp objects.

4 10. In February 2015, Plaintiff MCCARTHY went to Defendants' public  
5 accommodation facilities known as Shari's Restaurant & Pies located at 301 Rohnert  
6 Park Expy, Rohnert Park, CA 94928, to utilize their goods and/or services. When  
7 Plaintiff MCCARTHY patronized Defendants' facilities, he was denied equal access  
8 to and had difficulty using the public accommodations' facilities since Defendants'  
9 facilities failed to comply with Americans With Disabilities Act Accessibility  
10 Guidelines ("ADAAG", codified at 28 CFR Part 36, Appendix A), and California's  
11 Title 24 Building Code Requirements. Defendants failed to remove barriers to equal  
12 access within their public accommodation facilities. Plaintiff MCCARTHY  
13 personally experienced difficulty with said barriers to equal access that relate to his  
14 disabilities at Defendants' facilities. The examples listed below of known barriers to  
15 equal access are not an exhaustive list of the barriers to equal access that relate to his  
16 disabilities that exist at Defendants' facilities.

17 11. For example, the access barriers personally experienced by Plaintiff that relate  
18 to his disabilities include the following: Plaintiff ate at this Café and experienced  
19 difficulties. The Café's parking lot had no tow away signage at the entrances. Also,  
20 there were four disabled parking spaces near the entrance to Shari's. The existing  
21 disabled parking spaces had no tow away signage or \$250 fine signage. Moreover,  
22 the two shared access aisles were too narrow for van accessible parking. Further,  
23 the entrance door had no International Symbol of Accessibility signage. Also, in the  
24 men's restroom, the toilet stall door was no self-closing and had no loop handle on  
25 the pull side and a high coat hook. In addition, the toilet was 16 inches from the  
26 sidewall. Also, the toilet was 16 inches high to the top of the porcelain. Then there  
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1 was a very wiggly elevated toilet seat that the Plaintiff was afraid of attempting a  
2 transfer onto. It was 19½ inch to the top surface of the toilet seat. Finally, Plaintiff  
3 had difficulty completing and signing the credit card authorization on the 42-inch  
4 counter.

5 12. Plaintiff can prove these barriers exist since Plaintiff confirmed the access  
6 barriers at Defendants' facility. Plaintiff specifically alleges that Defendants knew,  
7 to a substantial certainty, that the architectural barriers precluded wheelchair access.  
8 First, Plaintiff will prove that Defendants had actual knowledge that the architectural  
9 barriers precluded wheelchair access and that the noncompliance with ADAAG and  
10 Title 24 of the California Building Code as to accessible features was intentional.

11 13. Second, due to the abundance of disability rights information and constant  
12 news coverage of disability discrimination lawsuits, Defendants had actual  
13 knowledge of the state disability laws and ADAAG access requirements and decided  
14 deliberately not to remove architectural barriers. Plaintiff alleges any alternative  
15 methods preclude integration of wheelchair patrons, as it requires them to use  
16 second-class facilities. Also, expert testimony will show the facility contained  
17 inaccessible features.

18 14. Plaintiff MCCARTHY intends to return to Defendants' public accommodation  
19 facilities in the immediate future. Plaintiff MCCARTHY is presently deterred from  
20 returning due to his knowledge of the barriers to equal access that exist at  
21 Defendants' facilities that relate to his disabilities. Plaintiff McCarthy can satisfy the  
22 prudential standing rules for a case or controversy pursuant to Article 3 of the United  
23 States Constitution. Plaintiff McCarthy actually, personally suffered the prohibited  
24 access problems at the subject property. McCarthy travels frequently and  
25 extensively throughout California to visit his family and friends. Mr. McCarthy has  
26 a close connection with most locations within California and he can demonstrate it  
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1 with respect to the subject property. Plaintiff McCarthy has particularized plans to  
2 return to Defendants facilities and property. While Plaintiff McCarthy has actual  
3 personal standing in the present matter; as an alternative, second and separate basis  
4 for standing, Plaintiff McCarthy urges this Court to adopt the Federal 11 Circuit  
5 Court's *Houston* holding – [We hold that Plaintiff Houston's tester motive behind his  
6 visits to the Presidente Supermarket does not foreclose standing for his claim under  
7 42 U.S.C. §§ 12182(a), 12182(b)(2)(A)(iv), and 12188(a)(1) of Title III. By the same  
8 token, we conclude that "bona fide patron" status is a not a prerequisite for Houston  
9 to obtain standing for a lawsuit under these statutory provisions. Stated differently,  
10 the alleged violations of Houston's statutory rights under Title III may constitute an  
11 injury-in-fact, even though he is a mere tester of ADA compliance"]. *Houston v.*  
12 *Marod Supermarkets, Inc.*, 733 F. 3d 1323 (11th Cir. 2013). Plaintiff McCarthy is a  
13 long time advocate of disability rights. Therefore, McCarthy wants to make sure that  
14 all public accommodation places are accessible. Furthermore, Mr. McCarthy worked  
15 all his life and he wants to enjoy Defendants' facilities without experiencing  
16 prohibited restrictions and discrimination.

17  
18 15. Pursuant to state law and federal ADAAG access requirements, Defendants  
19 are required to remove barriers to their existing facilities. Further, Defendants had  
20 actual knowledge of their access barrier removal duties under the state disability  
21 laws. Also, Defendants should have known that individuals with disabilities are not  
22 required to give notice to a governmental agency before filing suit alleging  
23 Defendants failed to remove architectural barriers to access.

24 16. Plaintiff is informed, believes and herein alleges Defendants' facilities have  
25 access violations not directly experienced by Plaintiff MCCARTHY but are related  
26 to his disability that would preclude or limit equal access by MCCARTHY,  
27 potentially including but not limited to violations of the ADAAG and Title 24 of the  
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1 California Building Code.

2 17. Based on these facts, Plaintiff alleges he was discriminated against each time  
3 he patronized Defendants' facilities.

4 **NOTICE**

5 18. Plaintiff is not required to provide notice to the defendants prior to filing a  
6 complaint. Skaff v Meridien N. Am. Beverly Hills, LLC, 506 F.3d 832 (9<sup>th</sup> Cir.  
7 2007), see also, Botosan v. Paul McNally Realty, 216 F.3d 827, 832 (9<sup>th</sup> Cir 2000).

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9 **WHAT CLAIMS PLAINTIFF IS ALLEGING AGAINST EACH NAMED**  
10 **DEFENDANT**

11 19. HENRY J CAVIGLI JR; SHARI'S MANAGEMENT CORPORATION; and  
12 Does 1 through 10 will be referred to collectively hereinafter as "Defendants."

13 20. Plaintiff aver that the Defendants are liable for the following claims as alleged  
14 below:

15 **DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS**  
16 **FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS- Claims Under The**  
17 **Americans With Disabilities Act Of 1990**

18 **CLAIM I AGAINST ALL DEFENDANTS: Denial Of Full And Equal Access**

19 21. Based on the facts plead at ¶¶ 9 - 17 above and elsewhere in this complaint,  
20 Plaintiff ROBERT MCCARTHY was denied full and equal access to Defendants'  
21 goods, services, facilities, privileges, advantages, or accommodations. Plaintiff  
22 alleges Defendants are a public accommodation owned, leased and/or operated by  
23 Defendants. Defendants' existing facilities and/or services failed to provide full and  
24 equal access to Defendants' facility as required by 42 U.S.C. § 12182(a). Thus,  
25 Plaintiff ROBERT MCCARTHY was subjected to discrimination in violation of 42  
26 United States Code 12182(b)(2)(A)(iv) and 42 U.S.C. § 12188 because Plaintiff  
27 ROBERT MCCARTHY was denied equal access to Defendants' existing facilities.



22. Plaintiff ROBERT MCCARTHY has physical impairments as alleged in ¶ 9 above because his conditions affect one or more of the following body systems: neurological, musculoskeletal, special sense organs, and/or cardiovascular. Further, Plaintiff ROBERT MCCARTHY's said physical impairments substantially limits one or more of the following major life activities: walking, and limited range of motion in arms and hands. In addition, Plaintiff ROBERT MCCARTHY cannot perform one or more of the said major life activities in the manner, speed, and duration when compared to the average person. Moreover, Plaintiff ROBERT MCCARTHY has a history of or has been classified as having a physical impairment as required by 42 U.S.C. § 12102(2)(A).

**CLAIM II AGAINST ALL DEFENDANTS: Failure To Make Alterations In Such A Manner That The Altered Portions Of The Facility Are Readily Accessible And Usable By Individuals With Disabilities**

23. Based on the facts plead at ¶¶ 9 - 17 above and elsewhere in this complaint, Plaintiff ROBERT MCCARTHY was denied full and equal access to Defendants' goods, services, facilities, privileges, advantages, or accommodations within a public accommodation owned, leased, and/or operated by Defendants. Defendants altered their facility in a manner that affects or could affect the usability of the facility or a part of the facility after January 26, 1992. In performing the alteration, Defendants failed to make the alteration in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in violation of 42 U.S.C. §12183(a)(2).

24. Additionally, Plaintiff is informed, believes and hereon alleges on information and belief, that the Defendants undertook an alteration that affects or could affect the usability of or access to an area of the facility containing a primary function after January 26, 1992. Defendants further failed to make the alterations in such a manner



such that the facilities are readily accessible to the maximum extent feasible, and are usable by individuals with disabilities pursuant to 42 U.S.C. §12183(a)(2), including any of the following that may be applicable, i.e. the path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving the altered area.

25. Pursuant to 42 U.S.C. §12183(a), this failure to make the alterations in a manner that, to the maximum extent feasible, are readily accessible to and usable by individuals with disabilities constitutes discrimination for purposes of 42 U.S.C. §12183(a). Therefore, Defendants discriminated against Plaintiff in violation of 42 U.S.C. § 12182(a).

26. Thus, Plaintiff ROBERT MCCARTHY was subjected to discrimination in violation of 42 U.S.C. § 12183(a), 42 U.S.C. §12182(a) and 42 U.S.C. §12188 because Plaintiff ROBERT MCCARTHY was denied equal access to Defendants' existing facilities.

### CLAIM III AGAINST ALL DEFENDANTS: **Failure To Remove Architectural Barriers**

27. Based on the facts plead at ¶¶ 9 - 17 above and elsewhere in this complaint, Plaintiff ROBERT MCCARTHY was denied full and equal access to Defendants' goods, services, facilities, privileges, advantages, or accommodations within a public accommodation owned, leased, and/or operated by Defendants. Defendants failed to remove barriers as required by 42 U.S.C. § 12182(a). Plaintiff is informed, believes, and thus alleges that architectural barriers which are structural in nature exist within the following physical elements of Defendants' facilities including but not limited to the disabled parking, exterior path of travel, and restroom facilities, as said facilities were not accessible because they failed to comply with the Federal ADA Accessibility Guidelines ("ADAAG") and California's Title 24 Building Code Requirements. Defendants failed to remove barriers to equal access within their

public accommodation facilities. Title III of the ADA requires places of public accommodation to remove architectural barriers that are structural in nature to existing facilities. [See, 42 United States Code 12182(b)(2)(A)(iv).] Failure to remove such barriers and disparate treatment against a person who has a known association with a person with a disability are forms of discrimination. [See 42 United States Code 12182(b)(2)(A)(iv).] Thus, Plaintiff ROBERT MCCARTHY was subjected to discrimination in violation of 42 United States Code 12182(b)(2)(A)(iv) and 42 U.S.C. § 12188 because he was denied equal access to Defendants' existing facilities.

**CLAIM IV AGAINST ALL DEFENDANTS: Failure To Modify Practices, Policies And Procedures**

28. Based on the facts plead at ¶¶ 9 - 17 above and elsewhere in this complaint, Defendants failed and refused to provide a reasonable alternative by modifying its practices, policies and procedures in that they failed to have a scheme, plan, or design to assist Plaintiff and/or others similarly situated in entering and utilizing Defendants' services, as required by 42 U.S.C. § 12188(a). Defendants have known or should have known that Defendants had a duty to repair and maintain their property including accessible features since 1990. Defendants have failed to do so in the past up to and including the present. Plaintiff is also seeking an order requiring the Defendants to have a continuing duty of refurbishing the access features once each year. In the present matter, Defendants failed to have a plan to maintain any potential accessible features in a usable condition. Thus, Plaintiff ROBERT MCCARTHY was subjected to discrimination in violation of 42 United States Code 12182(b)(2)(A)(iv) and 42 U.S.C. § 12188 because Plaintiff ROBERT MCCARTHY was denied equal access to Defendants' existing facilities.

29. Based on the facts plead at ¶¶ 9 - 17 above, Claims I, II, III and IV of

Plaintiff's First Cause Of Action above, and the facts elsewhere herein this complaint, Plaintiff will suffer irreparable harm unless Defendants are ordered to remove architectural, non-architectural, and communication barriers at Defendants' public accommodation. Plaintiff alleges that Defendants' discriminatory conduct is capable of repetition, and this discriminatory repetition adversely impacts Plaintiff and a substantial segment of the disability community. Plaintiff alleges there is a national public interest in requiring accessibility in places of public accommodation. Plaintiff has no adequate remedy at law to redress the discriminatory conduct of Defendants. Plaintiff desires to return to Defendants' places of business in the immediate future. Accordingly, the Plaintiff alleges that a structural or mandatory injunction is necessary to enjoin compliance with federal civil rights laws enacted for the benefit of individuals with disabilities.

30. WHEREFORE, Plaintiff prays for judgment and relief as hereinafter set forth.

**SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS - CLAIMS**  
**UNDER CALIFORNIA ACCESSIBILITY LAWS**

**CLAIM I: Denial Of Full And Equal Access**

31. Based on the facts plead at ¶¶ 9 - 17 above and elsewhere in this complaint, Plaintiff MCCARTHY was denied full and equal access to Defendants' goods, services, facilities, privileges, advantages, or accommodations within a public accommodation owned, leased, and/or operated by Defendants as required by Civil Code Sections 54, 54.1, and specifically 54.1(d). Defendants' facility violated state disability access laws, the ADAAG (codified at 28 CFR Part 36, Appendix A), and California's Title 24 Accessible Building Code by failing to provide equal access to Defendants' facilities to persons with disabilities.

32. Defendants denied Plaintiff MCCARTHY full and equal access to Defendants' facility. Thus, Plaintiff MCCARTHY was subjected to discrimination pursuant to

Civil Code §§ 54, 54.1, and 54.3 because Plaintiff MCCARTHY was denied full, equal and safe access to Defendants' facility.

**CLAIM II: Failure To Modify Practices, Policies And Procedures**

33. Based on the facts plead at ¶¶ 9 - 17 above and elsewhere herein this complaint, Defendants failed and refused to provide a reasonable alternative by modifying its practices, policies, and procedures in that they failed to have a scheme, plan, or design to assist Plaintiff and/or others similarly situated in entering and utilizing Defendants' services as required by Civil Code § 54.1. Additionally, Defendants failed to have a plan to maintain any potential accessible features in a usable condition. Thus, Plaintiff MCCARTHY was subjected to discrimination in violation of Civil Code § 54.1.

**CLAIM III: Violation Of The Unruh Act**

34. Based on the facts plead at ¶¶ 9 - 17 above and elsewhere herein this complaint and because Defendants violated the CA Civil Code § 51 by specifically failing to comply with Civil Code §51(f). Defendants' facility violated state disability laws, the ADAAG (codified at 28 CFR Part 36, Appendix A), and California's Title 24 Accessible Building Code by failing to provide equal access to Defendants' facilities. Defendants did and continue to discriminate against Plaintiff in violation of Civil Code §§ 51(f), and 52.

35. Based on the facts plead at ¶¶ 9 - 17 above, Claims I, II, and III of Plaintiffs' First Cause Of Action above, and the facts elsewhere herein this complaint, Plaintiff will suffer irreparable harm unless Defendants are ordered to remove architectural, non-architectural, and communication barriers at Defendants' public accommodation. Plaintiff alleges that Defendants' discriminatory conduct is capable of repetition, and this discriminatory repetition adversely impacts Plaintiff and a substantial segment of the disability community. Plaintiff alleges there is a state public interest in requiring accessibility in places of public accommodation. Plaintiff

has no adequate remedy at law to redress the discriminatory conduct of Defendants. Plaintiff desires to return to Defendants' places of business in the immediate future. Accordingly, the Plaintiff alleges that a structural or mandatory injunction is necessary to enjoin compliance with state civil rights laws enacted for the benefit of individuals with disabilities.

36. Wherefore, Plaintiff prays for damages and relief as hereinafter stated.

**Treble Damages Pursuant To Claims I, II, III Under The California  
Accessibility Laws**

37. Defendants, each of them respectively, at times prior to and including the day Plaintiff patronized Defendants' facilities, and continuing to the present time, knew that persons with physical disabilities were denied their rights of equal access to all portions of this public accommodation facility. Despite such knowledge, Defendants, and each of them, failed and refused to take steps to comply with the applicable access statutes; and despite knowledge of the resulting problems and denial of civil rights thereby suffered by Plaintiff. Defendants, and each of them, have failed and refused to take action to grant full and equal access to Plaintiff in the respects complained of hereinabove. Defendants, and each of them, have carried out a course of conduct of refusing to respond to, or correct complaints about, denial of disabled access and have refused to comply with their legal obligations to make Defendants' public accommodation facilities accessible pursuant to the ADAAG and Title 24 of the California Code of Regulations (also known as the California Building Code). Such actions and continuing course of conduct by Defendants in conscious disregard of the rights and/or safety of Plaintiff justify an award of treble damages pursuant to sections 52(a) and 54.3(a) of the California Civil Code. The California Supreme Court has stated: "...the statute provides for damages aside from any actual damages incurred by the plaintiff. 'This sum is unquestionably a

penalty which the law imposes, and which it directs shall be paid to the complaining party. ... [But], while the law has seen fit to declare that it shall be paid to the complaining party, it might as well have directed that it be paid into the common-school fund. The imposition is in its nature penal, having regard only to the fact that the law has been violated and its majesty outraged'." *Koire v Metro Car Wash (1985) 40 Cal.3d 24, 33-34* [citing its decision in *Orloff v. Los Angeles Turf Club (1947) 30 Cal.2d 110, 115*].

38. Defendants, and each of their actions have also been oppressive to persons with physical disabilities including Plaintiff and have evidenced actual or implied malicious intent toward Plaintiff who has been denied the proper access to which he is entitled by law. Further, Defendants and each of their refusals or omissions to correct these problems evidence disregard for the rights of Plaintiff.

39. Plaintiff prays for an award of treble damages against Defendants, and each of them, pursuant to California Civil Code sections 52(a) and 54.3(a).

40. Wherefore, Plaintiff prays for damages and relief as hereinafter stated.

#### **DEMAND FOR JUDGMENT FOR RELIEF:**

A. For actual damages pursuant to Cal. Civil Code §§ 52 or 54.3;

B. For \$4,000 in minimum statutory damages pursuant to Cal. Civil Code § 52 for each and every offense of Civil Code § 51, pursuant to Munson v. Del Taco, (June 2009) 46 Cal. 4th 661;

C. In the alternative to the damages pursuant to Cal. Civil Code § 52 in Paragraph B above, for \$1,000 in minimum statutory damages pursuant to Cal. Civil Code § 54.3 for each and every offense of Civil Code § 54.1;

D. For injunctive relief pursuant to 42 U.S.C. § 12188(a). Plaintiff requests this Court enjoin Defendants to remove all architectural and communication barriers in, at, or on their facilities including without limitation violations of 42 U.S.C. § 12188(a). Plaintiff does not seek injunctive relief pursuant to Cal. Civil Code § 55

1 and Plaintiff does not seek attorneys fees pursuant to Cal. Civil Code §55. Plaintiff  
2 does not seek any relief pursuant to Cal. Civil Code §55 at all.

3 E. For attorneys' fees pursuant to 42 U.S.C. § 12205 and Cal. Civil Code §§ 52,  
4 54.3;

5 F. For treble damages pursuant to Cal. Civil Code §§ 52(a) or 54.3(a);

6 G. A Jury Trial and;

7 H. For such other further relief as the court deems proper.

8  
9 Respectfully submitted:

10 LAW OFFICES OF DAVID C. WAKEFIELD

11 Dated: July 24, 2015

12 By: /s/David C. Wakefield  
13 DAVID C. WAKEFIELD, ESQ  
14 Attorney for Plaintiff  
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